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EXTRAORDINARY **PART II—Section 2** **PUBLISHED BY AUTHORITY**

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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 9th March, 1961:—

BILL NO. XIII OF 1961

A bill further to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Minimum Wages (Amendment) Act, 1961. Short title.

11 of 1948.

2. In section 3 of the Minimum Wages Act, 1948 (hereinafter referred to as the principal Act),— Amendment of section 3.

(i) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

“(a) fix the minimum rates of wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either Part by notification under section 27:

Provided that the appropriate Government may, in respect of employees employed in an employment specified in Part II of the Schedule, instead of fixing minimum rates of wages under this clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof;”;

(ii) in sub-section (1A),—

(a) the words, brackets and figure “whether before or after the expiry of any time limit specified in sub-section (1),” shall be omitted;

(b) for the words, "within one year from the date on which it comes to such finding", the words "as soon as may be after such finding" shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) No minimum rates of wages in respect of employees employed in a scheduled employment shall be fixed or revised under this Act during the pendency before a Tribunal or National Tribunal under the Industrial Disputes Act, 1947, of any industrial dispute relating to the rates of wages payable to such employees, or if any award has been made by the Tribunal or National Tribunal in respect of such dispute, during the period in which that award remains in operation."

14 of 1947.

Insertion of new section 30A.

Rules made by Central Government to be laid before Parliament.

3. After section 30 of the principal Act, the following section shall be inserted, namely:—

"30A. Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Substitution of new section for section 31.

Validation of fixation of certain minimum rates of wages.

4. For section 31 of the principal Act, the following section shall be substituted, namely:—

"31. Where during the period—

(a) commencing on the 1st day of April, 1952, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1954; or

26 of 1954

(b) commencing on the 31st day of December, 1954, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1957; or

30 of 1957.

(c) commencing on the 31st day of December, 1959, and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1961,

minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any

26 of 1954.
30 of 1957.

employment specified in the Schedule in the belief or purported belief that such rates were being fixed under clause (a) of subsection (1) of section 3, as in force immediately before the commencement of the Minimum Wages (Amendment) Act, 1954, or the Minimum Wages (Amendment) Act, 1957, or the Minimum Wages (Amendment) Act, 1961, as the case may be, such rates shall be deemed to have been fixed in accordance with law and shall not be called in question in any court on the ground merely that the relevant date specified for the purpose in that clause had expired at the time the rates were fixed:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the payment by him by way of wages to any of his employees during any period specified in this section an amount which is less than the minimum rates of wages referred to in this section or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13."

STATEMENT OF OBJECTS AND REASONS

Section 3 (1) (a) of the Minimum Wages Act, 1948 provides that initial fixation of minimum rates of wages for the employments included in Parts I and II of the Schedule at the commencement of the Act shall be completed by a specified date (which has been extended from time to time, the last extended date being 31st December, 1959) and also that, in the case of employments added to the Schedule by notification issued under section 27, the minimum rates of wages shall be fixed before the expiry of one year from the date of the final notification under that section. The urgency originally felt for completing the initial wage-fixation within a specified date no longer exists as the bulk of wage-fixation work has already been completed and the question now is one of extending the coverage of the Act to more and more employments in both the Central and State spheres. The Minimum Wages (Central) Advisory Board at its meeting held on the 4th August, 1960 recommended that the time-limit for initial wage fixation should be done away with altogether. It is, therefore, proposed to amend clause (a) of sub-section (1) of section 3 and sub-section (1A) of that section for this purpose. Consequently the existing section 31 of the Act has been recast.

2. The other amendment proposed is that no minimum rates of wages shall be fixed or revised in respect of employees employed in a scheduled employment during the pendency of any dispute before a Tribunal over the rates of wages payable to such employees or during the period the award made by such Tribunal is in operation.

NEW DELHI;

G. L. NANDA.

The 21st February, 1961.

FINANCIAL MEMORANDUM

Under the existing provisions of the Minimum Wages Act, 1948, initial fixation of minimum rates of wages for the employees in any scheduled employment, whether included in the Schedule to the Act at the commencement of the Act or added thereto by a notification under section 27, will have to be completed within a specified time limit. It is proposed, in the Bill, to remove the time limit with the result that initial fixation of minimum wages for any left-out categories in the existing scheduled employments or for any newly-added employment under section 27, can be undertaken at any time without reference to any time limit. It is likely that the minimum wages as fixed for employees in certain mines or in Central Government factories may have to be borne from the Consolidated Fund of India. It is not, however, possible to forecast or estimate with any degree of accuracy what the employments will be in which minimum wage fixation will involve expenditure from the Consolidated Fund of India or what amount of expenditure involved is likely to be.

S. N. MUKERJEE,
Secretary.

